

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Alison L. Abraham,

Case No. 3:20-cv-2315

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Commissioner of Social Security,

Defendant

Before me is the Report and Recommendation (“R & R”) of Magistrate Judge David A. Ruiz filed on February 3, 2022, recommending the Commissioner’s decision be reversed and the matter remanded. (Doc. No. 16). Under the relevant statute:

Within [fourteen (14)] days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C. § 636(b)(1) (effective Dec. 1, 2009); Fed. R. Civ. P. 72(b)(2). In this case, the fourteen-day window for objections has elapsed, and the Commissioner has indicated she will not be filing objections to Judge Ruiz’s R & R. (Doc. No. 17).

After reviewing Judge Ruiz’s R & R, I adopt it in its entirety as the Order of the Court. I agree with Judge Ruiz’s conclusion that the ALJ failed to apply the proper legal standard in analyzing Plaintiff’s disability claim filed on January 7, 2017, and that this error was not “harmless.” Therefore, the Commissioner’s decision is reversed, and the matter is remanded. On remand, the

ALJ shall not only apply the treating physician rule, but also reevaluate Plaintiff's symptoms, treatment, and activities of daily living, as recommended by Judge Ruiz.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge